Exhibit 28

Interview Summary in Which Examiner Indicates PTO Policy to Reject All Applications

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	09/611,548	Confirmation No.:	6763
Applicant:	Douglas G. Lowenstein, et al.		
Title:	FINANCING OF TENANT IMPROVEMENTS		
Filed:	July 7, 2000		
Art Unit:	3692		
Examiner:	S. Chencinski		
Atty. Docket:	114595-02		
Customer No.	38492		

SUMMARY OF INTERVIEWS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BACKGROUND CONTEXT – PROSECUTION HISTORY TO DECEMBER 2005

1. Three separate claim limitations of claim 56 (SPE "owns the lease," SPE is "owned by the landlord," debt is "non-recourse with respect to the asset") were effectively ignored in five consecutive Office papers.

2. A previous examiner, in Office papers of January 17, 2002, January 29, 2003, and November 22, 2004, raised over sixty assertions of Official Notice, including three assertions against three entire paragraphs of claim 56. Applicant timely and specifically traversed under 37 C.F.R. § 1.104(d)(2). See Applicant's papers of 6/24/2002, 3/31/2003 and 4/30/2004. In an interview of April 14, 2003, the examiner conceded that he had no basis whatsoever to believe that the Officially Noticed "facts" were "capable of instant and unquestionable demonstration as being well known."

I certify that this correspondence, along with any documents referred to therein, is being deposited with the United States Postal Service on February 26, 2007 as First Class Mail in an envelope with sufficient postage addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3. A new examiner was appointed. The first two papers by the new examiner **ignored the same claim language in fourth and fifth papers**. For example, in the examiner's papers of 10/20/2005: three entire paragraphs of claim 56 were totally omitted from consideration – there is neither comparison to any reference nor any explanation for disregarding the claim language. Thus, as of December 2005, the Office had failed to consider the language of claim 56 on four occasions, and had failed to "answer all material traversed" on three occasions.

SUMMARY OF INTERVIEW OF DECEMBER 19, 2005

4. A telephonic interview was held December 19, 2005 among the undersigned attorney, Examiner Chencinski as assistant examiner, and Examiner Frantzy Poinvil as primary examiner. Examiner Poinvil provided the first explanation in the entire prosecution history for any reason to disregard language of claim 56:

> Examiner Poinvil: If I were examining this claim, I would not give weight to [method step]. It's functional language.
>
> This Attorney: This is a method claim. There's never been a rule that "functional" language can be disregarded in a method claim. Even the rule about functional language in apparatus claims was overruled 20 years ago. Let's look that up in the MPEP…
>
> Examiner: Well, it's not entitled to weight. It's non-functional language.

Examiner Poinvil characterized the same claim language in **two diametrically opposite** statements less than two minutes apart.[1] Examiner Poinvil made no attempt to reconcile his two diametrically-opposite statements.

5. The interview lasted about an hour. During this time, Examiner Poinvil stated between four and six reasons for denying weight to certain claim language. In each case, this attorney asked Examiner Poinvil to identify where his proposed reason was stated in the MPEP or in any other written document. In each case, Examiner Poinvil was forced to admit that his view of the law had no basis in any written document.

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[1] The transcript of the conversation is believed to be a near-verbatim report of Examiner Poinvil's literal words – this summary is being prepared from notes that were prepared within a day of the interview.

36. This attorney also provided a cover email discussing several recent decisions of the Board of Patent Appeals and Interferences, and the analogies between those cases and the claims of this application.

37. This attorney asked for a prompt response, so that if no agreement was reached, a proper interview summary could be prepared. This request was made in writing by email.

38. The promised prompt call to continue the interview was never received.

INTERVIEW OF JANUARY 12, 2007

39. In a brief telephone call on or about January 12, 2007, Examiner Chencinski acknowledged that the Office's paper of 11/1/2007 was incomplete, and that further explanation of his position would be required before prosecution could meaningfully advance. Examiner Chencinski indicated that he believed that the Office was not inclined to allow the claims proposed on December 13, 2006 – that is, the examiners had entirely reneged on their own proposed claim language was "useful concrete and tangible," and had disavowed the proposal that they themselves had put forward to overcome any § 101 problem.

40. Examiner Chencinski stated that Examiner Poinvil does not know the law of § 101, and does not rely on any written document stating any legal standard for "abstract." Examiner Chencinski explained that Examiner Poinvil relies on his personal view instead of any published statement.

41. Examiner Chencinski indicated that his art unit or Technology Center were deliberately stalling allowance of applications.

Respectfully submitted,

Dated: February 26, 2007

By: /David E. Boundy/
David E. Boundy
Registration No. 36,461

LAW OFFICES OF DONNA L. ANGOTTI
140 Broadway, Suite 4600.
New York, New York 10005
(212) 294-7848
(212) 858-7750 Fax